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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,386	01/26/2004	Hideki Nonaka	1232-5259	2540

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EXAMINER	
KAO, CHIH CHENG G	

ART UNIT	PAPER NUMBER
2882	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/765,386	NONAKA ET AL.	
	Examiner	Art Unit	
	Chih-Cheng Glen Kao	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 26 January 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/12/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to because of the following informalities, which appear to be minor draft errors including spelling issues.

In the following format (location of objection; suggestion for correction), the following corrections may obviate their respective objections: (abstract, line 2, "exposion"; replacing "exposion" with - -exposure- -), (page 3, line 20, "exposion"; replacing "exposion" with - -exposure- -), (page 3, line 21, "Exposion"; replacing "Exposion" with - -Exposure- -), (page 6, line 12, "exposion"; replacing "exposion" with - -exposure- -), and (page 31, line 3, "exposion"; replacing "exposion" with - -exposure- -).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, it is unclear whether a program or method is being claimed. Claim 15 can be paraphrased as a computer program comprising a decision step, which would not be clear since a computer program does not comprise method steps.

On the other hand, a computer readable medium encoded with a computer program which causes a computer to execute a method applied to a radiographic apparatus, wherein the method comprises: a step, would be considered clear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-8, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Khutoryansky et al. (US Patent 6047042).

4. Regarding claims 1 and 13, Khutoryansky et al. discloses a radiographic apparatus and method (fig. 1, #100) comprising a control section (fig. 1, #112) which decides a mode of use of outputs from a plurality of radiation dose detection devices on the basis of a relative positional relationship (col. 7, lines 26-34) between an object (fig. 1, #116) and the radiographic apparatus (fig. 1, #100).

5. Regarding claims 3 and 5, Khutoryansky et al. further discloses a recognition section which recognizes the relative positional relationship between an object and a radiographic apparatus (col. 7, lines 26-34), wherein the recognition section includes an operation section (fig. 4, #464) and acquires, from the operation section (fig. 4, #464), information representing the

relative positional relationship (col. 11, lines 42-66) between the object (fig. 1, #116) and the radiographic apparatus (fig. 1, #100).

6. Regarding claims 6 and 7, Khutoryansky et al. further discloses wherein the plurality of radiation dose detection sections (fig. 3a, #120a-120e) are arranged between pixels of the radiographic image detection section (fig. 3a, #118), and wherein the plurality of radiation dose detection sections are formed in a layer (fig. 3a, #110) different from a layer where pixels of the radiographic image detection section are formed (fig. 3a, #118).

7. Regarding claim 8, Khutoryansky et al. would necessarily have a radiographic image detection region of the radiographic image detection section (fig. 1, #118) having different lengths in vertical and horizontal directions based on the region one may arbitrarily select.

8. Regarding claims 12 and 14, Khutoryansky et al. further discloses an exposure control section or step of controlling exposure (fig. 4, #390) of a radiographic image detection section (fig. 1, #118) in accordance with the mode decided in the decision step or control section (fig. 1, #112).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. as applied to claim 1 above, and further in view of Kobayashi et al. (JP 06-251893).

10. Regarding claim 2, Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose wherein a control section decides a mode of use of outputs from a plurality of radiation dose detection sections on the basis of an arrangement state of a radiographic apparatus.

Kobayashi et al. teaches wherein a control section decides a mode of use of outputs from a plurality of radiation dose detection sections (fig. 11, #111) on the basis of an arrangement state of a radiographic apparatus (figs. 10 and 11).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the mode of use on the basis of arrangement of Kobayashi et al., since one would be motivated to make such a modification to fit the region of interest of the object onto the detection range better (fig. 11) as implied from Kobayashi et al.

11. Regarding claims 9-11, Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose wherein a plurality of radiation dose detection sections are arranged such that when a radiographic image detection section is rotated by only a predetermined angle in a radiographic image detection plane, positions of some or all

of the plurality of radiation dose detections sections before rotation coincide with those after rotation, and a pivot mechanism which integrally pivots the radiographic image detection section and the plurality of radiation dose detections sections in a radiographic image detection plane of the radiographic image detection section.

Kobayashi et al. teaches wherein a plurality of radiation dose detection sections (fig. 11, #111) are arranged such that when a radiographic image detection section (fig. 11, #108) is rotated by only a predetermined angle in a radiographic image detection plane (fig. 11, rotation in plane defined by #108), positions of some or all of the plurality of radiation dose detections sections (fig. 11, #111) before rotation coincide with those after rotation (figs. 10 and 11), and a pivot mechanism which integrally pivots the radiographic image detection section (fig. 11, #108) and the plurality of radiation dose detections sections (fig. 11, #111) in a radiographic image detection plane (fig. 10, plane defined by #108) of the radiographic image detection section (fig. 10).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the pivoting mechanism of Kobayashi et al., since one would be motivated to make such a modification to fit the region of interest of the object onto the detection range better (fig. 11) as implied from Kobayashi et al.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. as applied to claim 3 above, and further in view of Katayama (JP 2000-023959).

Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose wherein a recognition section includes a sensor which detects the relative positional relationship between an object and a radiographic apparatus.

Katayama teaches wherein a recognition section includes a sensor (fig. 1, #4) which detects the relative positional relationship between an object (fig. 1, #3) and a radiographic apparatus.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the recognition section of Katayama, since one would be motivated to make such a modification for simpler and automatic selection of radiation dose detection sections (abstract, problem to be solved section) as implied from Katayama.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. in view of Li (US Patent 6459755).

For purposes of being concise, Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose a computer-readable medium.

Li teaches a computer-readable medium (col. 2, lines 25-27, and fig. 2, #36).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the computer-readable medium of Li, since one would be motivated to make such a modification to centralize processing for easier coordination and use (fig. 2, #36) as implied from Li.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F.(9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gk

EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER